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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

List of issues prior to submission of the second periodic report of Bahrain*

At its thirty-eighth session (A/62/44, paras. 23 and 24), the Committee against Torture established an optional procedure which consists in the preparation and adoption of a list of issues to be transmitted to the State party concerned prior to the submission of its periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

Article 2

1. Further to the Committee's earlier list of issues prior to reporting (CAT/C/BHR/Q/2, para. 5) and in view of Royal Order No. 16/2010 of 25 April 2010, the Committee received information about the establishment of a national human rights institution. In view of the State party's next periodic report, which was due in 2013, please indicate the measures taken by the State party to address 17 of the complaints received by the national human rights institution and to respond to the institution's request to visit the custody centre and the reform and rehabilitation centre.

2. Please clarify the mandate of the Bahrain Independent Commission of Inquiry set up in June 2011 by Royal Order No. 28 of 2011. Please provide further information on the State party's response to the Commission's recommendations, in particular those regarding: (a) independent and effective investigations, prosecutions and punishment of those found guilty; (b) compensation to victims of violent acts and their families; and (c) human rights training for law enforcement officials and judicial personnel.

3. With regard to the first report of the Bahrain Independent Commission of Inquiry, which highlighted 559 allegations of torture, please provide specific data on the outcome of the cases which resulted in prosecution; the number of persons convicted; and the sentences or other measures handed down. Please also provide information on the outcome, in terms of effectiveness and accountability, of the remaining investigations undertaken by the National Security Agency with regard to claims of mistreatment received by the Minister of the Interior as of the end of 2011. What measures have been taken to implement the

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recommendations contained in the report of the Commission of Inquiry, in particular recommendations No. 1719 to investigate cases of alleged torture and ill-treatment and No. 1722 regarding the use of force, arrest, treatment of persons in custody, detention and prosecution in connection with the exercise of freedom of expression, assembly and association?

4. Please indicate what measures have been taken to implement the 18 recommendations made by the Office of the Ombudsman to the Government of Bahrain following its visit to Juw detention facilities, in particular regarding the issue of overcrowding in Juw rehabilitation and custody centre. Please inform the Committee about the specific measures taken, in law and in practice, to ensure an improved sanitary environment aimed at reducing the risk of disease and deaths in custody.

5. How does the State party ensure the impartiality and independence of the members of the Prisoners' and Detainees' Rights Commission that was established by Royal Decree No. 61/2013? Please describe the measures taken to ensure the installation of surveillance cameras in all the facilities of Dry Dock detention centre and to increase the number of its medical personnel. In the light of the recommendations of the Bahrain Independent Commission of Inquiry, has a complaint mechanism that ensures the privacy and the protection of detainees been put in place? If so, please describe its functioning.

6. Attorney General resolution No. 8 of 2012 created a Special Investigation Unit to investigate allegations of torture and other forms of ill-treatment. Please comment on the non-governmental information to the effect that the Unit does not meet the requirements of independence and impartiality necessary to effectively monitor investigations. Please also indicate whether arrangements have been made or are foreseen to ensure that the methodology used by the Public Prosecution to prepare its periodic public reports complies with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). Please provide detailed information on the outcome of investigations on the nine cases of deaths in custody allegedly involving the responsibility of members from the security forces, which were mentioned in the first report of the national human rights institution, including the prosecutions and sentences handed down.

7. In the light of recommendation No. 1715 of the Commission of Inquiry and Royal Order No. 45 of 2011 establishing a national commission to follow up the recommendation of the Commission of Inquiry, please provide information on the measures taken and the procedures put in place by the national commission to achieve the desired results. Please also provide statistical data on the progress of the legislative reform process, taking into account the findings of the Bahrain Independent Commission of Inquiry.

Article 4

8. With reference to the information before the Committee, including the findings of the Bahrain Independent Commission of Inquiry (para. 1693 of its report), which refers to a strong impunity policy in the State party, please indicate whether steps have been taken to ensure that domestic legislation is in line with international standards in terms of providing for penalties commensurate with the crimes in case of torture and other forms of ill-treatment, with regard to both the grave nature and the offence committed.

Article 11

9. Please provide information on the measures taken to reduce and possibly abolish the use of solitary confinement for the purposes of punishment in places of detention . Please also provide detailed information on the duration of imposed solitary confinement and the

availability of judicial review, if any. Please provide data on the number of detainees who have been subject to solitary confinement in the different detention centres.

10. Further to the Committee's earlier list of issues prior to reporting (CAT/C/BHR/Q/2, para. 16), please provide information on the treatment of juveniles in detention, in particular:

(a) The allegations that minors are not usually detained separately from adults, notably in Dry Dock and Juw detention facilities;

(b) Detailed data on the number of juveniles who have been arrested, the number of prompt, impartial and effective investigations, the number of juveniles still waiting to be brought before a court, and the number and proportion of juveniles placed in detention following trials;

(c) The measures taken to ensure that juveniles are treated humanely and receive protection, including the right to contact lawyers and relatives;

(d) Whether solitary confinement is expressly banned for all minors, that is persons under the age of 18;

(e) The allegations that some minors are tried before criminal courts rather than juvenile courts as required by juvenile justice provisions; and whether the State party intends to review those cases and quash or commute the sentences handed down;

(f) The legal minimum age of criminal responsibility, in the light of allegations that juveniles may be prosecuted from the age of 7 and despite the fact that deprivation of liberty is not permitted for children under 15 years of age.

11. Please provide information on the measures taken to permit private and individual interviews of inmates by both civil society actors and members of an investigation team, such as the Special Investigation Unit and the Prisoners' and Detainees' Rights Commission, without constraints in relation to time or other obstacles. Please provide information on the reforms undertaken to ensure protection against intimidation and reprisals for the detainees who report constraints or other obstacles.

12. With regard to the first report of the national commission established to follow up on the recommendations of the Bahrain Independent Commission of Inquiry, please indicate whether recommendation No. 1722 (g) of the report of the Commission of Inquiry that an audio-visual recording of all official interviews with detained persons be made has been implemented. Please provide detailed information on:

(a) The installation of audio-visual equipment in detention facilities, including statistical data on the number of technical devices already in place and to be installed in each detention compound;

(b) The measures taken by the Government to ensure that security officials conduct interrogations only in places equipped with audio-visual recording devices.

Article 12

13. Please provide detailed information on the measures taken to carry out prompt, impartial, effective and thorough investigations into all allegations of torture put forward by an independent body, in compliance with the Istanbul Protocol. Please also describe the measures taken by the State party in the following cases:

(a) As at the end of 2011, the Minister of the Interior had received numerous complaints of mistreatment, 10 of which resulted in prosecution. Have the perpetrators actually been held accountable? Please indicate the outcome of and the sentences handed down in those cases;

(b) Two former members of Parliament, Matar Ebrahim Matar and Jawad Fairuz Ghuloom, have allegedly been subjected to mistreatment during their detention by law enforcement officials. Please provide information on those allegations and on any steps taken by the State Party to conduct investigations and initiate proceedings, if appropriate.

(c) On 7 January, 2013, the Bahrain High Court of Appeal sentenced 13 opposition leaders based on their confessions which were given as evidence during the trial and which were allegedly obtained under torture during their detention. Please indicate whether investigations have been conducted into those allegations of torture;

(d) The alleged ill-treatment and acts of torture committed by security forces against medical professionals of the Salmaniya Medical Complex while they were held in custody following the attack of the Gulf Cooperation Council Roundabout on 17 February 2011.

Article 13

14. Further to the Committee's earlier list of issues prior to reporting (CAT/C/BHR/Q/2, para. 29), please inform the Committee about the measures taken to improve the framework to ensure the legitimate activities of human rights defenders. Have the human rights defenders who had been peacefully exercising their right to freedom of opinion and expression since the 2011 uprising and who were sentenced in court on the grounds of "attending illegal gatherings" been released? Please provide information on those who have been released and those who are still detained and on the charges against them. Furthermore, please indicate the measures taken to ensure the protection of human rights defenders against threats and reprisals.

15. Please inform the Committee about the outcome of the convictions and sentences that were first rendered by the National Safety Court, then finally reviewed in ordinary courts, as stressed in recommendation No. 1720 of the Bahrain Independent Commission of Inquiry, including data on the number of releases, dropped charges, convictions and length of any remaining sentences. What steps have been taken to ensure due respect for the fundamental guarantees of a fair trial before the military court, in line with international standards? What are the available appeals before the military court, if any? With regard to the decision of the Bahrain Court of Appeal on 29 May 2014 to uphold the 15-year sentence against Naji Fateel, a member of the Bahrain Youth Society for Human Rights, please comment on reports that the inadmissibility of coerced evidence was disregarded during the trials, despite allegations of mistreatment of defendants by the State party's law enforcement officials.

Article 14

16. The Committee has noted the adoption of two decree-laws No. 30 of 2011 and No. 13 of 2012 for the establishment and regulation of the National Fund for the Reparation of Victims, further to recommendation No. 1722 (j) and (k) of the Bahrain Independent Commission of Inquiry. Further to the Committee's earlier list of issues prior to reporting (CAT/C/BHR/Q/2, para. 23), please provide information on:

(a) The number of claims received by the Fund, the number and the amount of compensations granted. Please specify the form and amount of compensation actually provided in each case;

(b) Whether a criminal judgment is necessary for the disbursement of financial support for the provision of medical care to victims;

(c) The steps taken to ensure availability of rehabilitation programmes, and whether those programmes include medical and psychological assistance.

Article 16

17. Please comment on the allegations that over 2,000 people are in detention since the events of February/March 2011. With regard to non-governmental information before the Committee concerning stiffer penalties applied to those who were involved in the events of February/March 2011, including life imprisonment and death penalties, in case of death and serious injuries resulting from the events of February/March 2011, please describe the appeals mechanisms available for complainants. Have charges been dropped and have the sentences against those charged with the offence of "political expression" been dropped following review of said cases?

18. Please provide information on any progress made in terms of the adoption of a mechanism to commute the death sentence. Have the detainees charged with the offence of violence been tried before a court, thereby justifying their detention?

Other issues

19. Please indicate whether the State party intends to accept and set a date for a visit, as requested by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.